**UNITED STATES DISTRICT COURT**
**SOUTHERN DISTRICT OF CALIFORNIA**

**NOTICE OF DOCUMENT DISCREPANCIES**

FILED
2008 JUN 10 PM 4:13
CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY ______ DEPUTY

TO: ☐ U. S. DISTRICT JUDGE / ☑ U. S. MAGISTRATE JUDGE Brooks

FROM: R. Mullin, Deputy Clerk RECEIVED DATE: 6/6/2008

CASE NO.: 07cv2183 DMS (RBB) DOCUMENT FILED BY: Petitioner

CASE TITLE: Cunningham v. Marshall

DOCUMENT ENTITLED: Lodgment Motion: The Order to Show Cause

Upon the submission of the attached document(s), the following discrepancies are noted:

| ✓ | Local Rule | Discrepancy |
|---|---|---|
| X | 5.1 | **Missing time and date on motion and/or supporting documentation** |
| ☐ | 5.3 | Document illegible or submitted on thermal facsimile paper |
| ☐ | **5.4** | **Document not filed electronically. Notice of Noncompliance already issued.** |
| ☐ | 7.1 or 47.1 | Date noticed for hearing not in compliance with rules/Document(s) are not timely |
| X | 7.1 or 47.1 | **Lacking memorandum of points and authorities in support as a separate document** |
| ☐ | 7.1 or 47.1 | Briefs or memoranda exceed length restrictions |
| ☐ | 7.1 | Missing table of contents |
| ☐ | 15.1 | Amended pleading not complete in itself |
| ☐ | 30.1 | Depositions not accepted absent a court order |
| ☒ | | Supplemental documents require court order |
| ☐ | | Default Judgment in sum certain includes calculated interest |
| ☐ | | OTHER: |

**Date forwarded:** 6/9/2008

**ORDER OF THE JUDGE / MAGISTRATE JUDGE**

**IT IS HEREBY ORDERED:**

☐ The document is to be filed nunc pro tunc to date received.

☒ The document is NOT to be filed, but instead REJECTED. and it is ORDERED that the Clerk serve a copy of this order on all parties.

Rejected document to be returned to pro se or inmate? ☒ Yes. Court Copy retained by chambers ☐

Counsel is advised that any further failure to comply with the Local Rules may lead to penalties pursuant to Local Rule 83.1

CHAMBERS OF: RBB

Dated: 6/9/2008 By: [signature]

cc: All Parties

K:\COMMON\FORMS\CIVCRM35.WPD
Form # Civ/Crim 35 (4/98) -- [Docuument Discrepancy / Court Order]

James H. Cunningham
V-72323
P.O. Box 8101
San Luis Obispo, CA 93409
* In Pro Per *

REJECTED

CALIFORNIA *STATE* SUPREME*COURT

| | |
|---|---|
| James H. Cunningham (Petitioner) VS. (warden) John Marshall | Logdment: No. 07-CV-2183 DMS (RBB) Motion: The order to show cause and return on Petition No: #S142559 #D046320-#S161389 Logde under No: VII |

Honorable Courts:

Petitioner, ask does the Court contend In re: Case S14255/D046320 set forth has potentially valid grounds for relief. The Court has not willfully, nor colorably shown cause.

State of California Office of the Attorney General note that therein is a case pending year to date. If to be true, Petitioner will need California Supreme Court number #S161389 also to show cause. Petitioner holds CRC. Rule 4.55 (A).(4)(B) and (a). See in People v. Romero (1994) 8 Cal.4th 728, 737 [35 Cal. Rptr 270. discussing summary denials); In re: Scott (1996) 27 Cal. App 4th 946 [33 Cal. Rptr. 27 CRC. Rule. 4551 (A)(4)(C) and (b)(1). CRC Rule 4.5551-(A)(4)(A) CRC. Rule 4.551(b).

Respectfully submitted [signature]
Date: May-25-2008